

# Cais am orchymyn mabwysiadu (Ffurflen A58)

## Nodiadau ar lenwi'r ffurflen

### Pwysig

Peidiwch â defnyddio'r ffurflen hon os yw'r plentyn y dymunwch ei fabwysiadu yn byw fel arfer y tu allan i'r Deyrnas Unedig, Ynysoedd y Sianel neu Ynys Manaw, neu os ydych yn bwriadu gwneud cais am orchymyn mabwysiadu dan y Cytundeb. Yn hytrach, dylech ddefnyddio Ffurflen A60 (Cais am orchymyn mabwysiadu (ac eithrio gorchymyn mabwysiadu dan y Cytundeb) lle bo'r plentyn wedi'i ddwyn i mewn i'r DU ar gyfer ei fabwysiadu) neu Ffurflen A59 (Cais am orchymyn mabwysiadu dan y Cytundeb).

Yn y nodiadau hyn, mae unrhyw gyfeiriad at dystysgrif geni, dystysgrif farwolaeth, dystysgrif briodas neu dystysgrif partneriaeth sifil yn golygu copi ardystiedig o'r cofnod yn y Gofrestr Genedigaethau Byw, y Gofrestr Marwolaethau, y Gofrestr Priodasau neu'r Gofrestr Partneriaethau Sifil, fel y bo'n briodol. Nid yw llungopi'n dderbyniol. Rhaid i'r dystysgrif geni yr anfonwch i'r llys ar gyfer y plentyn yr ydych yn gwneud cais i'w fabwysiadu, fod yn gopi ardystiedig o'r cofnod **llawn** yn y Gofrestr Genedigaethau Byw.

Os ydych chi'n gosod ynghlwm â'ch cais unrhyw orchymyn gan yr Uchel Lys neu lys sirol, rhaid iddo fod yn gopi wedi'i selio (hynny yw, copi a stampiwyd gyda sêl y llys). Os ydych chi'n atodi gorchymyn a wnaed gan lys ynadon, rhaid iddo fod yn gopi ardystiedig (copi yr ardystiwyd gan swyddog y llys ei fod yn gopi cywir o'r gorchymyn gwreiddiol), neu gopi sydd â stamp y llys gwreiddiol arno. Rhaid i orchymyn a gyflwynwyd gan unrhyw awdurdod arall gael ei ddilysu'n iawn gan yr awdurdod hwnnw. Os oes gennych unrhyw ansicrwydd ynghylch beth sydd ei angen, cysylltwch â'r llys am gymorth.

Ewch a'r ffurflen gais wedi'i chwblhau, ynghyd â **thri chopi** ohoni i'r llys, neu ei hanfon yno, ynghyd â ffi'r llys ac unrhyw ddogfennau yr ydych yn eu hatodi i gefnogi'ch cais. Os nad ydych yn sicr faint o ffi sy'n daladwy i'r llys am eich cais, neu y credwch y gallech fod wedi'ch esemptio rhag talu'r holl ffi neu gyfran ohoni, dylech gysylltu â'r llys am wybodaeth.

# Application for an adoption order (Form A58)

## Notes on completing the form

### Important

Do not use this form if the child you want to adopt is habitually resident outside the United Kingdom, the Channel Islands or the Isle of Man, or if you intend to apply for a Convention adoption order. Instead you should use Form A60 (Application for an adoption order (excluding a Convention adoption order) where the child has been brought into the UK for adoption) or Form A59 (Application for a Convention adoption order).

In these notes, any reference to a birth certificate, death certificate, marriage certificate or certificate of civil partnership means a certified copy of the entry in the Register of Live Births, the Register of Deaths, the Register of Marriages or the Register of Civil Partnerships, as appropriate. A photocopy is not acceptable. The birth certificate you send to the court for the child you are applying to adopt must be a certified copy of the **full** entry in the Register of Live Births.

If you are attaching any order of the High Court or a county court to your application, it must be a sealed copy of the order (that is, a copy that has been stamped with the seal of the court). If you are attaching an order made by a magistrates' court, it must be a certified copy (a copy certified by the court officer to be a true copy of the original order), or a copy that bears the stamp of the originating court. An order issued by any other authority must be properly authenticated by that authority. If you are in any doubt about what is needed, please contact the court for assistance.

Take or send the completed application form, **and three copies**, to the court, together with the court fee and any documents you are attaching in support of your application. If you are not sure about the court fee payable for your application, or you think that you may be exempt from paying all or part of the fee, you should contact the court for information.

Os ydych chi'n atodi datganiad ffeithiau i'ch cais (gweler nodyn 22), a wnewch chi ddarparu **dau gopi ychwanegol** o'r datganiad os gwelwch yn dda. Os ydych chi'n atodi adroddiadau iechyd (gweler nodyn 24), a wnewch chi ddarparu **dau gopi ychwanegol** o'r adroddiadau os gwelwch yn dda.

## Nodiadau ar y ffurflen gais

**Nodyn 1** ➡ Nodwch enw'r plentyn yr ydych yn gwneud cais i'w fabwysiadu, gyda'r cyfenw'n olaf. Rhaid i chi roi'r enw(au) cyntaf yn llawn a chyfenw'r plentyn yn union fel y dangosir hwy ar y dystysgrif geni (neu, os yw'r plentyn wedi'i fabwysiadu'n flaenorol, y copi ardystiedig o'r cofnod yn y Gofrestr Plant a Fabwysiadwyd) yr ydych yn ei anfon gyda'ch cais (gweler nodyn 12).

**Nodyn 2** ➡ Os nad ydych am i rieni neu warcheidwaid y plentyn yr ydych yn bwriadu ei fabwysiadu gael gwybod pwy ydych, bydd y llys yn rhoi rhif cyfresol i chi. Bydd unrhyw ddogfennau a anfonir i'r rhieni/gwarcheidwaid yn dangos y rhif cyfresol, nid eich manylion personol. Os yw'n ofynnol i chi fynd i'r un gwrandawriad llys, bydd y llys yn gwneud trefniadau i sicrhau na ddatgelir pwy ydych.

## Rhan 1 Amdanoch chi

**Nodyn 3** ➡ Os yw'r enw a nodwyd gennych yn wahanol i'ch enw fel yr ymddengys ar unrhyw dystiolaeth o briodas neu bartneriaeth sifil yr ydych yn ei hanfon gyda'ch ffurflen gais (er enghraifft, oherwydd eich bod wedi newid eich enw drwy weithred), atodwch ddalen barhau os gwelwch yn dda, yn egluro'r rheswm am y gwahaniaeth a chopi o unrhyw ddogfennau cefnogol (megis y weithred).

If you are attaching a statement of facts to your application (see note 22), please supply **two additional copies** of the statement. If you are attaching health reports (see note 24), please supply **two additional copies** of the reports.

## Notes on the application form

**Note 1** ➡ Enter the name of the child you are applying to adopt, surname last. You must enter the full first name(s) and the surname of the child exactly as they are shown on the birth certificate (or, if the child has previously been adopted, the certified copy of the entry in the Adopted Children Register) you are sending with your application (see note 12).

**Note 2** ➡ If you do not want your identity to be made known to the parents or guardians of the child you are intending to adopt, the court will issue you with a serial number. Any documents sent to the parents/guardians will show the serial number, not your personal details. If you are required to attend the same court hearing, the court will make arrangements to ensure that your identity is protected.

## Part 1 About You

**Note 3** ➡ If the name you have entered is different from your name as it is shown on any evidence of marriage or civil partnership you are sending with your application form (for example, because you have changed your name by deed), please attach a continuation sheet explaining the reason for the difference, and a copy of any supporting documents (such as the deed).

**Nodyn 4**

Bydd yr alwedigaeth a nodwch yma'n ymddangos ar y gorchymyn mabwysiadu ac fe'i nodir wedyn yn y Gofrestr Plant a Fabwysiadwyd. Nodwch, os gwelwch yn dda, y gallai methiant i roi manylion llawn olygu oedi yng nghyhoeddi tystysgrif mabwysiadu'r plentyn. Mae'n bwysig eich bod yn nodi teitl llawn eich galwedigaeth (neu alwedigaeth flaenorol os ydych wedi ymddeol), er enghraifft, 'athro/athrawes ysgol uwchradd', neu 'athro/athrawes bale' nid 'athro/athrawes'; 'saer hunangyflogedig' nid 'hunangyflogedig'; 'plismon wedi ymddeol', nid 'wedi ymddeol'. Ni ellir derbyn talfyriadau neu ddisgrifiadau cyffredinol megis 'hunangyflogedig', 'gweithiwr rhan-amser' neu 'wedi ymddeol'. Nodwch, os gwelwch yn dda, na ellir rhoi enwau cwmnïau yn y Gofrestr ac nad yw'n ddigonol nodi eich bod yn 'gyflogai' neu'n 'weithiwr' gydag unrhyw gwmni penodol, rhaid i chi roi eich galwedigaeth. Os ydych chi'n ddi-waith ar hyn o bryd, neu'n methu gweithio oherwydd anabledd, dylech nodi eich galwedigaeth ddiwethaf. Os ydych chi'n aelod o Luoedd Arfog Ei Mawrhydi, dylech nodi eich rheng a/neu eich proffesiwn.

**Nodyn 5**

Nodwch eich perthynas â'r plentyn yr ydych yn gwneud cais i'w fabwysiadu, er enghraifft llys-riant, rhiant maeth, taid neu nain, modryb, ewythr, perthynas arall (manywch os gwelwch yn dda). Os nad oes gennych unrhyw berthynas â'r plentyn ar hyn o bryd, ar wahân i fod yn ddarpar fabwysiadwr, nodwch 'dim' os gwelwch yn dda.

**Nodyn 6**

Ni ellir gwneud gorchymyn mabwysiadu oni bai:

- eich bod chi (yn achos dau geisydd, o leiaf un ohonoch) yn byw yn y Deyrnas Unedig, Ynysoedd y Sianel neu Ynys Manaw; **neu**
- eich bod chi (yn achos dau geisydd, y ddau ohonoch) wedi bod yn preswyllo'n arferol yn y Deyrnas Unedig, Ynysoedd y Sianel neu Ynys Manaw am gyfnod o flwyddyn o leiaf, gan ddiweddu gyda dyddiad eich cais. Mae'r Deyrnas Unedig yn golygu Cymru, Lloegr, Yr Alban a Gogledd Iwerddon.

Cymerir fel arfer fod 'byw' yn golygu lleoliad eich cartref parhaol. Yn gyffredinol, cymerir fod 'preswyllo'n arferol' yn cyfeirio at fyw yn arferol ac fel rheol mewn man penodol. **Os oes gennych unrhyw amheuaeth a ydych yn cwrdd â'r gofynion hyn ai peidio, dylech geisio cyngor cyfreithiol.**

**Note 4**

The occupation you give here will appear on the adoption order and will subsequently be entered in the Adopted Children Register. Please note that failure to give full details may result in a delay in issuing the child's adoption certificate. It is important that you enter the full title of your occupation (or former occupation if you are retired), for example, 'secondary school teacher' or 'ballet teacher', not 'teacher'; 'self-employed carpenter', not 'self-employed'; 'retired police officer', not 'retired'. Abbreviations or general descriptions such as 'self-employed', 'part-time worker', or 'retired', cannot be accepted. Please note also that company names cannot be entered in the Register and it is not sufficient to enter that you are an 'employee' or 'worker' with any particular company; you must give your occupation. If you are unemployed or currently unable to work because of disability, you should give your last occupation. If you are a member of HM Forces, you should give your rank and/or profession.

**Note 5**

Enter your relationship to the child you are applying to adopt, for example, step-parent, foster parent, grandparent, aunt, uncle, other relative (please specify). If you do not currently have any relationship to the child other than as prospective adopter, please enter 'none'.

**Note 6**

An adoption order cannot be made unless:

- you are (in the case of two applicants, at least one of you is) domiciled in the United Kingdom, the Channel Islands or the Isle of Man; **or**
- you (in the case of two applicants, both of you) have been habitually resident in the United Kingdom, the Channel Islands or the Isle of Man for a period of at least one year, ending with the date of your application. The United Kingdom means England, Wales, Scotland and Northern Ireland.

'Domicile' is normally taken to mean the place where you have your permanent home. 'Habitual residence' is normally taken to refer to usual, or customary, residence in a particular place. **If you are in any doubt as to whether you meet these conditions, you should seek legal advice.**

**Nodyn 7**

Os ydych chi'n gwneud cais i fabwysiadu ar eich pen eich hun a'ch bod yn bartner (gan gynnwys priod neu bartner sifil) i dad neu fam neu riant arall y plentyn, dylech lenwi paragraff (l) ac yna fynd ymlaen yn syth i Ran 2 Ynghylch y Plentyn. Nid yw paragraffau (m) i (r) yn berthnasol i chi

Dyma'r diffiniadau ar gyfer 'Rhiant Arall';

- Menyw a oedd mewn Partneriaeth Sifil â'r fam adeg y cenhedlu â chymorth ac sy'n rhiant yn rhinwedd adran 42 Deddf Ffrwythloni Dynol ac Embryoleg 2008
- Menyw nad oedd mewn Partneriaeth Sifil â'r fam adeg y cenhedlu â chymorth ac sy'n rhiant yn rhinwedd adran 43 Deddf Ffrwythloni Dynol ac Embryoleg 2008

**Nodyn 8**

Os ydych chi'n gwneud cais i fabwysiadu ar eich pen eich hun, a'ch bod yn bartner (ond heb fod yn briod neu bartner sifil) i unigolyn nad yw'n rhiant i'r plentyn yr ydych yn dymuno'i fabwysiadu, dylech lenwi paragraff (m). Rhowch eich rhesymau dros wneud cais i fabwysiadu ar eich pen eich hun, os gwelwch yn dda. Os nad oes digon o le ar gyfer eich ateb, gallwch barhau ar ddalen ar wahân. Dylech wedyn fynd ar eich union i Ran 2 Ynghylch y Plentyn. Nid yw paragraffau (n) i (r) yn berthnasol i chi.

**Nodyn 9**

Os ydych chi'n gwneud cais i fabwysiadu ar eich pen eich hun ac

- na fuoch erioed yn briod/ â phartner sifil, llenwch baragraff (n) os gwelwch yn dda;
- eich bod wedi ysgaru, neu fod eich partneriaeth sifil wedi'i diddymu, llenwch baragraff (o) os gwelwch yn dda, a rhowch gopi o'r dyfarniad Absoliwt neu'r Gorchymyn Diddymu ynghlwm â'ch cais;
- eich bod yn wraig weddw neu'n â'r gweddw neu'n bartner sifil sy'n goroesi, llenwch baragraff (p) a rhowch dystysgrif farwolaeth eich diweddar briod neu bartner sifil ynghlwm â'ch cais.

**Note 7**

If you are applying to adopt alone and you are the partner (including spouse or civil partner) of the child's father or mother or other parent, you should complete paragraph (l) and then go straight to Part 2 About the Child. Paragraphs (m) to (r) do not apply to you

The definitions of 'Other Parent' are;

- A woman who was in a Civil Partnership with the mother at the time of assisted reproduction and who is a parent by virtue of section 42 of the Human Fertilisation and Embryology Act 2008
- A woman who was not in a Civil Partnership with the mother at the time of assisted reproduction and who is a parent by virtue of section 43 of the Human Fertilisation and Embryology Act 2008

**Note 8**

If you are applying to adopt alone and you are the partner (but not the spouse or civil partner) of a person who is not the parent of the child you wish to adopt, you should complete paragraph (m). Please give your reasons for applying to adopt alone. If there is not enough room for your reply, you may continue on a separate sheet. You should then go straight to Part 2 About the Child. Paragraphs (n) to (r) do not apply to you.

**Note 9**

If you are applying to adopt alone and

- you have never been married/ had a civil partner, please complete paragraph (n);
- you are divorced, or your civil partnership has been dissolved, please complete paragraph (o) and attach a copy of the Decree Absolute or the Dissolution Order to your application;
- you are a widow or widower or a surviving civil partner, please complete paragraph (p) and attach the death certificate of your deceased spouse or civil partner to your application.

**Nodyn 10**

Os ydych chi'n gwneud cais i fabwysiadu ar eich pen eich hun a'ch bod yn briod neu fod gennych bartner sifil, bydd yn rhaid i chi fodloni'r llys o'r canlynol:

- na ellir dod o hyd i'ch priod neu bartner sifil, **neu**
- eich bod wedi gwahanu oddi wrth eich priod neu bartner sifil, eich bod yn byw ar wahân a bod y gwahanu'n debygol o fod yn barhaol, **neu**
- bod eich priod neu bartner sifil yn analluog yn gorfforol i wneud cais neu'n analluog (o fewn ystyr Deddf Iechyd Meddwl 2005) i wneud hynny.

Rhaid i chi nodi ar y ffurflen gais pa un o'r tair sail hyn sy'n berthnasol yn eich achos chi drwy dicio'r blwch priodol.

Dylech roi eich tystysgrif briodas (neu dystiolaeth arall o briodas), neu eich tystysgrif partneriaeth sifil (neu dystiolaeth arall o'r bartneriaeth sifil) ynghlwm â'ch cais ynghyd ag unrhyw dystiolaeth ddogfennol arall y bwriadwch ddibynnu arni, megis dyfarniad o wahaniad swyddogol, neu dystiolaeth feddygol o analluogrwydd corfforol neu ddiffyg gallu o fewn ystyr Deddf Galluedd Meddyliol 2005. Dylech hefyd roi enw a chyfeiriad (os gwyddys) eich gŵr/gwraig neu bartner sifil.

**Nodyn 11**

Os ydych chi'n gwneud cais ar eich pen eich hun am orchymyn mabwysiadu mewn perthynas â'ch plentyn eich hun, bydd angen i chi fodloni'r llys fod

- y rhiant naturiol arall wedi marw, **neu**
- na ellir dod o hyd i'r rhiant naturiol arall, **neu**
- nad oes neb arall sy'n rhiant yn rhinwedd adran 28 Deddf Ffrwythloni Dynol ac Embryoleg 1990, (gan ddiystyru isadrannau (5A) i (5I) yr adran honno) ac adrannau 34 i 47 Deddf Ffrwythloni Dynol ac Embryoleg 2008 (gan ddiystyru adrannau 39, 40 a 46 y Ddeddf honno), neu
- fod rhyw reswm arall (y mae'n rhaid i chi ei nodi ar eich ffurflen gais) i gyfiawnhau eithrio'r rhiant arall o'ch cais.

Rhaid i chi nodi ar y ffurflen gais pa un o'r seiliau hyn sy'n berthnasol yn eich achos chi drwy dicio'r blwch priodol.

Dylech roi ynghlwm â'ch cais unrhyw dystiolaeth ddogfennol yr ydych yn bwriadu dibynnu arni, megis tystysgrif farwolaeth.

**Note 10**

If you are applying to adopt alone and you are married or you have a civil partner, you will need to satisfy the court that:

- your spouse or civil partner cannot be found, **or**
- you have separated from your spouse or civil partner, you are living apart, and the separation is likely to be permanent, **or**
- your spouse or civil partner is physically incapable of making an application or lacks capacity (within the meaning of the Mental Health Act 2005) to do so.

You must show on the application form which of these three grounds applies in your case by ticking the appropriate box.

You should attach your marriage certificate (or other evidence of marriage) or certificate of civil partnership (or other evidence of civil partnership) to your application, together with any other documentary evidence on which you propose to rely, such as a decree of official separation, or medical evidence of physical incapability or lack of capacity within the meaning of the Mental Capacity Act 2005. You should also supply the name and address (if known) of your spouse or civil partner.

**Note 11**

If you are applying alone for an adoption order in respect of your own child you will need to satisfy the court that:

- the other natural parent has died, **or**
- the other natural parent cannot be found, **or**
- there is no person who is a parent by virtue of section 28 of the Human Fertilisation and Embryology Act 1990, (disregarding subsections (5A) to (5I) of that section) and sections 34 to 47 of the Human Fertilisation and Embryology Act 2008 (disregarding sections 39, 40 and 46 of that Act), or
- there is some other reason (which you must set out on your application form) justifying the other parent's exclusion from your application.

You must show on the application form which of these grounds applies in your case by ticking the appropriate box.

You should also attach to your application any documentary evidence on which you propose to rely, such as the death certificate.

## Rhan 2 Ynghylch y Plentyn

**Nodyn 12** ➤ Os ydy'r plentyn wedi cael ei fabwysiadu'n flaenorol, dylid atodi copi ardystiedig o'r cofnod yn y Gofrestr Plant a Fabwysiadwyd ac nid copi ardystiedig o'r cofnod llawn yn y Gofrestr Genedigaethau Byw. Lle nad oes modd i chi atodi tystysgrif, nodwch leoliad geni'r plentyn (gan gynnwys y wlad), os gwyddoch.

Ni ellir gwneud cais mewn perthynas ag unigolyn sy'n 18 oed neu hyn adeg gwneud y cais.

**Nodyn 13** ➤ Ni all y llys wneud gorchymyn mabwysiadu mewn perthynas ag unrhyw unigolyn sy'n briod neu wedi bod yn briod, neu unrhyw berson sy'n bartner sifil neu a fu'n bartner sifil.

**Nodyn 14** ➤ Os nad yw'r plentyn y dymunwch ei fabwysiadu, wedi'i roi gyda chi i'w fabwysiadu gan asiantaeth fabwysiadu, rhaid i chi roi gwybod yn ysgrifenedig i'r awdurdod lleol dros yr ardal yr ydych yn byw ynddi, eich bod yn bwriadu gwneud cais am orchymyn mabwysiadu. Rhaid i chi hysbysu'r awdurdod lleol o'ch bwriad ddim mwy na 2 flynedd a ddim llai na 3 mis cyn dyddiad eich cais i'r llys.

**Nodyn 15** ➤ Rhowch fanylion am enw'r llys a wnaeth y gorchymyn lleoli neu'r gorchymyn rhyddhau, natur y gorchymyn, rhif yr achos a'r dyddiad y gwnaed y gorchymyn arno.

Dylech roi copi o'r gorchymyn lleoli neu'r gorchymyn rhyddhau ynghlwm â'ch cais.

**Nodyn 16** ➤ Os oes rhyw unigolyn neu gorff yn atebol i dalu tâl cynhaliaeth ar gyfer y plentyn dan orchymyn llys neu gytundeb cynhaliaeth neu gynhaliaeth cynnal plant a ddyfarnwyd gan yr Asiantaeth Cynnal Plant, rhowch enw a chyfeiriad yr unigolyn neu'r corff sy'n atebol i dalu. Yn achos gorchymyn cynhaliaeth, rhowch enw'r llys a dyddiad gwneud y gorchymyn; fel arall, rhowch ddyddiad y cytundeb cynhaliaeth neu ddyfarniad cynhaliaeth cynnal plant.

Os yw'n bosibl, dylech atodi copi o unrhyw orchymyn cynhaliaeth neu gopi o'r cytundeb cynhaliaeth neu ddyfarniad cynhaliaeth, i'ch cais.

## Part 2 About the Child

**Note 12** ➤ If the child has previously been adopted, a certified copy of the entry in the Adopted Children Register should be attached and not a certified copy of the full entry in the Register of Live Births. Where you are unable to attach a certificate, enter the place (including the country) of the child's birth, if known.

No application may be made in respect of a person who is aged 18 or more at the time of the application.

**Note 13** ➤ The court cannot make an adoption order in relation to any person who is or has been married, or any person who is or has been a civil partner.

**Note 14** ➤ If the child you wish to adopt was not placed with you for adoption by an adoption agency, you must notify in writing the local authority for the area in which you live of your intention to apply for an adoption order. You must give the local authority notice of your intention not more than 2 years, and not less than 3 months, before the date of your application to the court.

**Note 15** ➤ Give details of the name of the court that made the placement or freeing order, the nature of the order, the case number and the date the order was made.

You should attach a copy of the placement or freeing order to your application.

**Note 16** ➤ If some person or body is liable to pay maintenance for the child under a court order, or a maintenance agreement or child support maintenance awarded by the Child Support Agency, give the name and address of the person or body liable to pay. In the case of a maintenance order, give the name of the court and the date the order was made; otherwise, give the date of the maintenance agreement or child support maintenance award.

If possible, you should attach a copy of any maintenance order or a copy of the maintenance agreement or maintenance award to your application.

**Nodyn 17**

Os oes achosion blaenorol, neu gyfredol yn ymwneud â'r plentyn yr ydych yn gwneud cais i'w fabwysiadu (er enghraifft, gwrandawiadau am orchymyn gofal, gorchymyn cyswllt, gorchymyn cyfrifoldeb rhieni neu orchymyn preswyllo), rhwch enw'r llys, natur y gwrandawriad a dyddiad ac effaith unrhyw orchymyn a wnaed, neu ddyddiad y gwrandawriad nesaf os yw'r achosion yn gyfredol. Nid oes angen i chi ailadrodd manylion unrhyw orchymyn lleoli neu orchymyn rhyddhau neu orchymyn neu gytundeb cynhaliaeth a roddwyd gennych eisoes.

Os oeddech chi'n barti i unrhyw achosion a gwblhawyd, dylech roi copi o'r gorchymyn terfynol ynghlwm â'ch cais.

**Pwysig:** Os ydych eisoes wedi gwneud cais am orchymyn mabwysiadu mewn perthynas â'r un plentyn ac y gwrthodwyd y gorchymyn, bydd angen i chi fodloni'r llys y bu newid mewn amgylchiadau ers i chi wneud cais ddiwethaf, neu fod rhyw reswm arall paham y dylai'r llys wrando ar eich cais presennol. Nodwch eich rhesymau dros wneud y cais hwn ar ddalen ar wahân os gwelwch yn dda, gan egluro paham y credwch y dylai'r cais gael ei wrando. Rhwch enw llawn y plentyn, rhif y Rhan a chyfeirnod y paragraff ar ben y ddalen barhau, a'i rhoi ynghlwm â'ch ffurflen gais.

### Rhan 3 Ynghylch rhiant/rhieni neu warcheidwad y plentyn

**Nodyn 18**

Os yw'r plentyn wedi'i fabwysiadu'n flaenorol, rhwch enwau'r rhieni a'i mabwysiadodd ef/hi ac nid y rhieni naturiol.

**Note 19**

Bydd rhaid i chi hefyd nodi galwedigaeth eich partner sy'n rhiant y plentyn yr ydych chi'n gwneud cais i'w fabwysiadu.

**Nodyn 20**

Os nad oedd rhieni'r plentyn yn briod â'i gilydd neu mewn partneriaeth sifil adeg ei enedigaeth ef/ei genedigaeth hi, gallai tad y plentyn neu'r rhiant arall fod wedi cael cyfrifoldeb rhieni oherwydd

- bod tad y plentyn a mam y plentyn wedi priodi ers i'r plentyn gael ei eni;
- bod rhiant arall y plentyn a mam y plentyn mewn partneriaeth sifil ers i'r plentyn gael ei eni;
- bod gan dad y plentyn neu'r rhiant arall gytundeb cyfrifoldeb rhieni gyda'r fam, neu y dyfarnwyd gorchymyn cyfrifoldeb rhieni iddynt, neu;

**Note 17**

If there are earlier, or current, court proceedings relating to the child you are applying to adopt (for example, proceedings for a care order, a contact order, a parental responsibility order or a residence order), give the name of the court, the nature of the proceedings and the date and effect of any order made, or the date of the next hearing if proceedings are current. You do not need to repeat the details of any placement order, freeing order, or maintenance order or agreement you have already given.

If you were a party to any proceedings that have been completed, you should attach a copy of the final order to your application.

**Important:** if you have previously applied for an adoption order in respect of the same child and the order was refused, you will need to satisfy the court that there has been a change of circumstances since you last applied, or that there is some other reason why the court should hear your current application. Please set out your reasons for making this application on a separate sheet, explaining why you think the application should be heard. Please put the child's full name, the number of the Part and the paragraph reference at the head of the sheet and attach it to your application form.

### Part 3 About the child's parent(s) or guardian

**Note 18**

If the child has previously been adopted, give the names of his/her adoptive parents, not those of his/her natural parents.

**Note 19**

You must also enter the occupation of your partner who is the parent of the child you are applying to adopt.

**Note 20**

If the child's parents were not married to each other or in a civil partnership at the time of his/her birth, the child's father or other parent may have parental responsibility because

- the child's father and the child's mother have married since the child was born;
- the child's other parent and child's mother have entered into a civil partnership since the child was born;
- the child's father or other parent has a parental responsibility agreement with the mother, or has been granted a parental responsibility order, or;

- bod tad y plentyn neu'r rhiant arall wedi cofrestru genedigaeth y plentyn ar y cyd â mam y plentyn (ers 1 Rhagfyr 2003).

Rhowch fanylion unrhyw orchymyn llys neu gytundeb mewn perthynas â chyfrifoldeb rhieni ym mharagraff (m) Rhan 2 Ynghylch y Plentyn.

**Nodyn 21** ➤ Os nad oes gan y plentyn warcheidwad, nodwch 'amherthnasol'. Fel arall, rhowch fanylion unrhyw unigolyn a benodwyd i fod yn warcheidwad i'r plentyn drwy weithred neu ewyllys neu fel arall yn ysgrifenedig yn unol ag adran 5(5) Deddf Plant 1989 neu drwy orchymyn a wnaed dan adran 5(1) neu 14A y Ddeddf honno. Os oes gan y plentyn fwy nag un gwarcheidwad, rhowch enw a chyfeiriad unrhyw warcheidwad/ warcheidwaid eraill ar daflen ar wahân, gan nodi enw llawn y plentyn, rhif y Rhan a chyfeirnod y paragraff ar ben y daflen.

**Nodyn 22** ➤ Os yw'r plentyn yr ydych yn gwneud cais i'w fabwysiadu eisoes yn destun gorchymyn lleoli cyfredol, bod yr asiantaeth fabwysiadu wedi lleoli'r plentyn gyda chi ac nad oes unrhyw riant neu warcheidwad yn gwrthwynebu i'r gorchymyn mabwysiadu gael ei wneud, nid oes angen i chi ofyn i'r llys hepgor caniatâd rhiant (rhieni) neu warcheidwad (gwarcheidwaid) y plentyn i'ch cais. Nid oes raid i chi lenwi paragraff (j), ond sicrhewch, os gwelwch yn dda, eich bod wedi nodi manylion y gorchymyn lleoli yn rhan 2 Ynghylch y plentyn.

Os yw'r plentyn yr ydych yn bwriadu ei fabwysiadu eisoes yn destun gorchymyn rhyddhau cyfredol, nid oes angen i chi ofyn i'r llys hepgor caniatâd rhiant (rhieni) neu warcheidwad (gwarcheidwaid) y plentyn i'ch cais. Nid oes raid i chi lenwi paragraff (j), ond sicrhewch, os gwelwch yn dda, eich bod wedi nodi manylion y gorchymyn rhyddhau yn rhan 2 Ynghylch y plentyn.

Nid oes angen i chi ofyn i'r llys hepgor caniatâd rhiant (rhieni) neu warcheidwad (gwarcheidwaid) y plentyn i'ch cais os:

- yw rhiant/rhieni/gwarcheidwad/gwarcheidwaid y plentyn wedi cytuno i orchymyn mabwysiadu gael ei wneud; **neu**
- yw rhiant/rhieni/gwarcheidwad/gwarcheidwaid y plentyn wedi rhoi caniatâd ymlaen llaw i orchymyn mabwysiadu gael ei wneud yn y dyfodol (ac mae/maent /nid yw/nid ydynt wedi tynnu'r caniatâd hwnnw'n ôl) ac nid ydynt yn gwrthwynebu i orchymyn mabwysiadu gael ei wneud; **neu**

- the child's father or other parent registered the child's birth jointly with the child's mother (since 1 December 2003).

Give details of any court order or agreement in respect of parental responsibility in paragraph (m) of Part 2 About the child.

**Note 21** ➤ If the child has no guardian, enter 'not applicable'. Otherwise, enter the details of any person appointed to be the child's guardian by deed or will or otherwise in writing in accordance with section 5(5) of the Children Act 1989, or by an order made under section 5(1) or 14A of that Act. If the child has more than one guardian, please give the name and address of any other guardian(s) on a separate sheet, putting the child's full name, the number of the Part and the paragraph reference at the head of the sheet.

**Note 22** ➤ If the child you are applying to adopt is already the subject of a current placement order, the adoption agency has placed the child with you and no parent or guardian opposes the making of the adoption order, you do not need to ask the court to dispense with the consent of the child's parent(s) or guardian(s) to your application. You do not have to complete paragraph (j), but please ensure that you have entered the details of the placement order in Part 2, About the child.

If the child you are applying to adopt is already the subject of a current freeing order, you do not need to ask the court to dispense with the consent of the child's parent(s) or guardian(s) to your application. You do not have to complete paragraph (j), but please ensure that you have entered the details of the freeing order in Part 2, About the child.

You do not need to ask the court to dispense with the consent of the child's parent(s) or guardian(s) to your application if:

- the child's parent(s)/guardian(s) has/have consented to the making of an adoption order; **or**
- the child's parent(s)/guardian(s) gave advance consent to the making of a future adoption order (and they have not withdrawn that consent) and they do not oppose the making of an adoption order; **or**



- y rhoddwyd y plentyn gyda chi i'w fabwysiadu gan asiantaeth fabwysiadu gyda chaniatâd pob rhiant/gwarcheidwad (a rhoddwyd caniatâd y fam pan oedd y plentyn o leiaf 6 wythnos oed), ac nid oes unrhyw riant/warcheidwad yn gwrthwynebu i orchymyn mabwysiadu gael ei wneud.

Llenwch baragraff (j) os gwelwch yn dda gan ddangos pa un o'r amodau hyn sy'n berthnasol yn eich achos chi.

Os nad oes gan tad y plentyn neu'r rhiant arall gyfrifoldeb rhieni dros y plentyn, nid ydych angen y rhiant hwnnw i gydsynio eich cais am orchymyn mabwysiadu.

**Nodyn 23** Os ydych chi'n gofyn i'r llys hepgor caniatâd unrhyw riant neu warcheidwad, ni all y llys hepgor caniatâd yr unigolyn hwnnw ond os yw'n fodlon:

- na ellir dod o hyd iddo ef/hi, **neu**
- ei fod ef neu hi'n analluog (o fewn ystyr Deddf Galluedd Meddyliol 2005) i roi caniatâd; **neu**
- fod lles y plentyn yn mynnu hynny.

Rhaid i chi lenwi paragraff (k) gan nodi pa un o'r tair sail hyn sy'n berthnasol i'ch cais. Bydd yn ofynnol gan y llys hefyd dderbyn datganiad ffeithiau byr gennych yn rhoi crynodeb o hanes yr achos ac unrhyw ffeithiau eraill i fodloni'r llys fod y rhesymau dros eich cais yn berthnasol. Gelwir y datganiad hwn yn 'ddatganiad ffeithiau'. Oni ellir dod o hyd i riant, dylai eich datganiad ffeithiau roi manylion y camau a gymerwyd i ddod o hyd iddo ef/iddi hi. Rhaid i'r datganiad ffeithiau gael ei lofnodi gan eich cyfreithiwr, neu gennych chi (y ddau ohonoch) os nad oes gennych gyfreithiwr.

Dylech roi eich datganiad ffeithiau, **ynghyd â dau gopi o'r datganiad**, ynghlwm â'ch cais. Dylech hefyd atodi unrhyw ddogfennau yr ydych yn eu cyflwyno i gefnogi eich datganiad.

**Pwysig:** Bydd y llys yn anfon copi o'ch datganiad ffeithiau at bob rhiant neu warcheidwad i'r plentyn. Os ydych chi'n bwriadu gofyn i'r llys beidio â datgelu pwy ydych, dylech sicrhau nad yw'r datganiad ffeithiau'n cynnwys unrhyw wybodaeth allai ddatgelu pwy ydych, ble rydych yn byw na ble'r aiff y plentyn i'r ysgol neu'r feithrinfa.

- the child was placed with you for adoption by an adoption agency with the consent of each parent/guardian (and the mother's consent was given when the child was at least 6 weeks old), and no parent/guardian opposes the making of an adoption order.

Please complete paragraph (j) showing which of these conditions applies in your case.

If the child's father or other parent does not have parental responsibility for the child, you do not need that parent's consent to your application for an adoption order.

**Note 23** If you are asking the court to dispense with the consent of any parent or guardian, the court can only dispense with that person's consent if it is satisfied that:

- he or she cannot be found; **or**
- he or she lacks capacity (within the meaning of the Mental Capacity Act 2005) to give consent; **or**
- the welfare of the child requires it.

You must complete paragraph (k) indicating which of these three grounds applies to your request. The court will also require from you a brief statement setting out a summary of the history of the case and any other facts to satisfy the court that the grounds for your request apply. This statement is known as a 'statement of facts'. If a parent cannot be found, your statement of facts should give details of the steps taken to trace him/her. The statement of facts must be signed by your solicitor, or by you (both of you) if you do not have a solicitor.

You should attach your statement of facts, **and two copies of the statement**, to your application form. You should also attach any documents you are submitting in support of your statement.

**Important:** The court will send a copy of your statement of facts to each parent or guardian of the child. If you intend to ask the court to keep your identity confidential, you should make certain that the statement of facts does not include any information that could identify you, where you live, or where the child goes to school or nursery.

## Rhan 4 Cyffredinol

**Nodyn 24** Nodwch yr enw y dymunwch i'r plentyn gael ei adnabod wrtho yn dilyn y mabwysiadu. Dyma'r enw a osodir yn y Gofrestr Plant a Fabwysiadwyd. Efallai y byddwch yn dymuno i'r plentyn gael enw newydd ar ôl iddo gael ei fabwysiadu, ond nis oes unrhyw reidrwydd i newid enw'r plentyn os nad ydych eisiau gwneud hynny.

**Nodyn 25** Nid oes angen i chi yrru adroddiad ar eich ieched (neu ieched y ceisydd arall, os oes un), neu ieched y plentyn gyda'ch cais os:

- rhoddwyd y plentyn gyda chi i'w fabwysiadu gan asiantaeth fabwysiadu; **neu**
- os yw ef/hi'n blentyn i chi, neu'n blentyn i'r ceisydd arall; **neu**
- os ydych chi'n gwneud cais ar eich pen eich hun fel partner (gan gynnwys priod neu bartner sifil) i fam neu dad neu riant arall y plentyn.

**Yn unrhyw achos arall**, rhaid i chi atodi adroddiadau ieched ar wahân mewn perthynas â phob ceisydd a'r plentyn, **a dau gopi o'r adroddiadau**. Dylai'r adroddiadau ieched ymdrin â'r materion a nodir yn y Cyfarwyddyd Ymarfer 'Adroddiadau gan ymarferydd meddygol cofrestredig (adroddiadau ieched)', ac ni ddylent fod wedi'u llunio ynghynt na thri mis cyn dyddiad eich cais am orchymyn mabwysiadu.

### Cymorth neu gyfleusterau arbennig ar gyfer anabledd os byddwch yn mynychu'r llys

**Nodyn 26** Os byddwch chi/ un ohonoch angen cymorth neu gyfleusterau arbennig ar gyfer anabledd neu nam, nodwch eich gofynion yn llawn os gwelwch yn dda. Bydd staff y llys angen gwybod, er enghraifft, a ydych eisiau i ddogfennau gael eu darparu mewn fformat gwahanol, megis Braille neu brint bras. Byddant hefyd angen gwybod am unrhyw ofynion penodol allai fod gennych ar ddiwrnod y gwrandawriad, megis mynediad i gadair olwyn, system dolen clyw, neu ddehonglydd iaith arwyddion.

Bydd staff y llys yn cysylltu â chi ynghylch eich gofynion. Mae'n bwysig eich bod yn hysbysu'r llys o'ch anghenion. Oni wnewch hynny, efallai y bydd yn rhaid gohrio'r gwrandawriad o ganlyniad.

## Part 4 General

**Note 24** Please enter the name by which you want the child to be known following the adoption. This is the name that will be entered on the Adopted Children Register. You may wish the child to have a new name following the adoption, but there is no obligation to change the child's name if you do not want to do so.

**Note 25** You do not need to send a medical report on your health (or the health of the other applicant, if there is one) or the health of the child with your application if:

- the child was placed with you for adoption by an adoption agency; **or**
- he/she is your child, or the child of the other applicant; **or**
- you are applying alone as the partner (including the spouse or civil partner) of the child's mother or father or other parent.

**In any other case** you must attach separate health reports in respect of each applicant and the child, **and two copies of the reports**. The health reports should cover the matters set out in the Practice Direction 'Reports by a registered medical practitioner (health reports)', and must have been made no more than three months before the date of your application for an adoption order.

### Special assistance or facilities for disability if you attend the court

**Note 26** If you/either of you need special assistance or special facilities for a disability or impairment, please set out your requirements in full. The court staff will need to know, for example, whether you want documents to be supplied in an alternative format, such as Braille or large print. They will also need to know about any specific requirements you may have on the day of the hearing, such as wheelchair access, a hearing loop, or a sign language interpreter.

The court staff will get in touch with you about your requirements. It is important that you make the court aware of all your needs. If you do not, the result may be that the hearing has to be adjourned.